

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF ONONDAGA

MATTHEW STREZPEK,

SUMMONS

Plaintiff,

Index #:

against

Plaintiff designates Onondaga County as the
place of trial.ROMAN CATHOLIC DIOCESE OF
SYRACUSE; ST. PETER'S CHURCH OF
UTICA, N.Y.; ST. LEO'S CHURCH; ST.
ANTHONY & ST. AGNES CHURCH; and
DOES 1-10,

Defendants.

TO THE ABOVE-NAMED DEFENDANTS:

YOU ARE HEREBY SUMMONED to answer the complaint of the Plaintiff herein and to serve a copy of your answer on the plaintiff at the address indicated below within 20 days after service of this Summons (not counting the day of service itself), or within 30 days after service is complete if the Summons is not delivered to you within the State of New York.

YOU ARE HEREBY NOTIFIED THAT should you fail to answer, a judgment will be entered against you by default for the relief demanded in the complaint.

October 24, 2019

/s/ Daniel Lapinski

Daniel Lapinski (NY SBN 4041760)
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SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF ONONDAGA

MATTHEW STREZPEK,

Index No.

Plaintiff,

COMPLAINT

against

ROMAN CATHOLIC DIOCESE OF
SYRACUSE; ST. PETER'S CHURCH OF
UTICA, N.Y.; ST. LEO'S CHURCH; ST.
ANTHONY & ST. AGNES CHURCH and
DOES 1-10,Defendants.

Matthew Strezpek, by and through his attorneys, BERGER MONTAGUE and MOTLEY RICE LLC, as and for his Complaint in this matter against Defendants ROMAN CATHOLIC DIOCESE OF SYRACUSE; ST. PETER'S CHURCH OF UTICA, N.Y.; ST. LEO'S CHURCH; ST. ANTHONY & ST. AGNES CHURCH and DOES 1-10, states and alleges as follows:

PARTIES

1. Plaintiff is a 44-year-old resident of the State of California. Plaintiff was a resident of the State of New York during the period of childhood sexual abuse. Plaintiff's last name during the period of abuse was Strezpek.

2. At all times material, Defendant the Diocese of Syracuse, N.Y. (hereinafter "Diocese") was and continues to be a non-profit religious corporation, which includes, but is not limited to, civil operations, decision making entities, and officials and employees, authorized to conduct business and conducting business in the State of New York, in the counties of Broome, Chenango, Cortland, Madison, Oneida, Onondaga and Oswego. The Diocese's principal place

of business was and is Syracuse, New York. Defendant Diocese functions as a business by engaging in numerous activities and/or revenue-producing activities, business, trade, commerce, furnishing of services and soliciting money from its members in exchange for its services. Defendant Diocese's actions and policies have tremendous impact and influence on the daily lives of individuals within the community, including Catholics and non-Catholics. Defendant Diocese has several programs which seek out the participation of children in Defendant Diocese's activities. Defendant Diocese, through its officials, has control over those activities involving children. Defendant Diocese has the power to appoint, supervise, monitor and fire each person working with children in Defendant Diocese. At all times material, the Bishop of the Diocese of Syracuse controlled, operated and managed the affairs of the Diocese.

3. St. Peter's Church of Utica ("St. Peter's") is a Roman Catholic church, parish or school located in Utica, NY. St. Peter's is the church, parish, school or other organization where the Perpetrator, Fr. Felix Colosimo, was assigned and/or in residence, and where Plaintiff was a member and an altar boy, during some of the period of wrongful conduct. St. Peter's was created and operated within the geographic boundaries of the Diocese, under the authority of the Diocese.

4. St. Leo's Church ("St. Leo's") is a Roman Catholic church, parish or school located in Holland Patent, NY. St. Leo's is the church, parish, school or other organization where the Perpetrator, Fr. Felix Colosimo, was assigned and/or in residence, and where Plaintiff was an altar boy, during part of the period of wrongful conduct. St. Leo's was created and operated within the geographic boundaries of the Diocese, under the authority of the Diocese.

5. St. Anthony & St. Agnes Church ("St. Anthony's") is a Roman Catholic church, parish or school located in Utica, NY. St. Anthony's is the church, parish, school or other

organization where the Perpetrator, Fr. Felix Colosimo, was assigned and/or in residence, and where Plaintiff was an altar boy and/or an employee, during part of the period of wrongful conduct. St. Anthony's was created and operated within the geographic boundaries of the Diocese, under the authority of the Diocese, and was known as St. Anthony of Padua during the period of abuse. St. Peter's, St. Leo's, and St. Anthony's are sometimes referred to collectively as "Defendant Churches".

6. Fr. Felix Colosimo ("Colosimo" or "the Perpetrator") was at all times relevant an ordained priest in the Roman Catholic Church. During the dates of abuse, Colosimo was a practicing priest, with faculties from the Diocese, assigned to and/or within the geographic boundaries of the Diocese and/or Defendant Churches, and was under the direct supervision, employ and/or control of the Diocese and/or St. Peter's and/or St. Leo's and/or St. Anthony's and/or DOES 1-10.

7. Defendant Does 1 through 10, inclusive, are individuals and/or business or corporate entities incorporated in and/or doing business in New York whose true names and capacities are unknown to Plaintiff who therefore sues such defendants by such fictitious names, and who will amend the Complaint to show the true names and capacities of each such Doe defendant when ascertained. Each such Doe defendant is legally responsible in some manner for the events, happenings and/or tortious and unlawful conduct that caused the injuries and damages alleged in the Complaint.

8. Colosimo and/or each Defendant were and/or are the agent, subagent, volunteer, servant and/or employee of the Diocese and/or St. Peter's and/or St. Leo's and/or St. Anthony's and/or DOES 1-10. Colosimo and/or each Defendant was acting within the course and scope of his, her or its authority as an agent, subagent, volunteer, servant and/or employee of Colosimo

and/or the Diocese and/or St. Peter's and/or St. Leo's and/or St. Anthony's and/or DOES 1-10. Colosimo and/or the Diocese and/or St. Peter's and/or St. Leo's and/or St. Anthony's and/or DOES 1-10, and each of them, are individuals, corporations, partnerships and other entities which engaged in, joined in and conspired with the other wrongdoers in carrying out the tortious and unlawful activities described in the Complaint, and the Diocese and/or St. Peter's and/or St. Leo's and/or St. Anthony's and/or each Defendant ratified the acts of Colosimo and/or the Diocese and/or St. Peter's and/or St. Leo's and/or St. Anthony's and/or DOES 1-10.

BACKGROUND FACTS APPLICABLE TO ALL COUNTS

9. At all times material, Rev. Felix Colosimo was a Roman Catholic priest employed by the Diocese of Syracuse. Fr. Colosimo remained under the direct supervision, employ and control of the Diocese, its Bishops, and some or all of the Defendant Churches until his death in 2017.

10. Defendant Diocese placed Fr. Colosimo in positions where he had access to and worked with children as an integral part of his work.

Colosimo's Assignment History

11. The Diocese ordained Fr. Colosimo as a deacon in 1964, and as a priest in 1965. He served at numerous parishes in Defendant Diocese as a seminarian, after his ordinations, and until his death in 2017, including, but not limited to:

Seminary: Saint Bernard's Seminary, Rochester, NY

Diaconate: 1964-65 St. Mary of Mount Carmel, Utica, NY

1st assignment: 1965-68 St. John the Baptist Rome, NY

2nd: 1968-71 Our Lady of Pompei Syracuse, NY

3rd: 1971-76 St. Bartholomew Norwich, NY

4th: 1976-81	St. Peter's	Utica, NY
5th: 1981-87	St. Leo's	Holland Patent, NY
6th: 1987-98	St. Anthony of Padua	Utica, NY
7th: 1998-2014	Our Lady of the Rosary	New Hartford, NY.

12. Fr. Colosimo died in 2017 after retiring, purportedly, to care for his sister.

13. For decades, Defendants have frustrated law enforcement efforts to investigate and forward for prosecution Defendants' agents who have committed crimes against children. Time and again Defendants' failures to notify law enforcement have helped such criminals escape prosecution by concealing their crimes until the expiration of the applicable criminal statutes of limitation. The end result of Defendants' conduct is predators such as Colosimo and other clergy-perpetrators remained (until their deaths) and/or remain unregistered as a sex-offenders, and unidentifiable to the public as sexual predators.

14. Plaintiff and his family came into contact with Fr. Colosimo in his capacity as an agent and representative of Defendants. The Diocese allowed Colosimo unfettered access to children beginning in his training to become a priest, and continuing throughout his ministry. As a seminarian, the Diocese allowed him to counsel the boys who attended Camp Nazareth, to work with children at summer vacation schools, and to work at the Religious Vacation School for children in grade K-8th, the age ranges of his preferred victims. In his first assignments as a deacon and then a priest, Defendants, among other things, allowed him to form and direct a boys' choir, to supervise children participating in the Catholic Youth Organization, and to participate in Scouting activities with Cub Scouts.

15. Plaintiff participated in youth activities and church activities at Defendant Churches. In accord with the teachings, directives, and influence of Defendants, Plaintiff

developed great admiration, trust, reverence and respect for the Roman Catholic Church, including the Diocese of Syracuse and its agents such as Fr. Colosimo.

16. During and through these activities, Plaintiff, as a minor and vulnerable child, was dependent on Defendants and Fr. Colosimo.

17. Defendants had custody of Plaintiff and accepted entrustment of Plaintiff and had responsibility for Plaintiff and authority over him.

18. Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents committed acts of childhood sexual abuse at St. Peter's in Utica, at St. Leo's in Holland Patent, at St. Anthony of Padua in Utica, and at various locations around New York and in neighboring states before, during, and after the time Plaintiff attended St. Peter's with his family. Defendants' practice of concealing the identities, propensities, and current assignments and/or residences of these perpetrators has enabled and empowered such men to sexually assault and/or continue to place at risk countless children around the various locations in New York where Defendants conduct their business. Defendants have greatly increased the danger to children by continuing to transfer perpetrators such as Fr. Colosimo, after allegations of abuse arise, from parish to parish. Defendants' conduct evidences a policy of secrecy that has created a culture of hidden sexual abuse to which Plaintiff and countless other children have fallen victim. Fr. Colosimo's history, as set forth below, is but one example of the threat to today's children posed both by such men, and by Defendants' continuing practices in managing them.

Fr. Colosimo is Ordained as a Priest in the Diocese of Syracuse in 1965

19. After Fr. Colosimo was ordained as a deacon in 1964, and then as a priest in 1965, his first assignments were as a deacon at St. Mary of Mount Carmel in Utica, NY, then as

a priest at St. John the Baptist in Rome, NY, followed by Our Lady of Pompei in Syracuse, NY, beginning in 1968.

Fr. Colosimo Sexually Abuses Victim #1 at Assumption Church in Syracuse, Less Than Half a Mile Away from His Assignment From 1968-71 at Our Lady of Pompei

20. Fr. Colosimo sexually abused Victim #1 at Assumption Church in Syracuse, a church located less than half a mile from his assignment from 1968-71 at Our Lady of Pompei.

Fr. Colosimo Sexually Abuses Victim #2 in 1976 at St. Peter's in Utica, and Begins Grooming and Sexually Abusing Victim #3, Matthew Strezpek, at St. Peter's in Approximately 1979

21. Although Colosimo preferred very young boys such as Victim #3, he also abused older children such as Victim #2, a 17-year-old boy Colosimo abused at St. Peter's in 1976. However, his focus inevitably returned to the youngest and most vulnerable of victims, such as Victim #3, Plaintiff Matthew Strezpek.

22. Matthew grew up in an extremely devout Catholic family that attended mass at St. Peter's on a weekly and sometimes daily basis. When Matthew was approximately two years old, Colosimo began visiting Matthew's home. By the time the boy was four or five, if not sooner, Colosimo was at Matthew's family home on a regular basis, every week, approximately six visits a week (until Matthew turned 15), to bring baked goods for breakfast, pizza on Friday nights, to play cards, to have dessert or coffee, or just to spend time with Matt's family. So trusted was Colosimo that he was allowed to enter the house without knocking. Not only was Colosimo Matthew's first image of a priest, Colosimo was so omnipresent that Matthew has few childhood family memories that do not include Colosimo.

23. Colosimo's motives for ingratiating himself to Matthew's family were sinister, and he began grooming the boy for abuse at a very young age. Whereas Matthew's father was somewhat stoical, Colosimo was very warm and physically affectionate, greeting everyone with

one or two kisses on the cheek, and lots of hugs. This was especially true of Matthew, for whom Colosimo often brought gifts and had sit on his lap or leg. Through his grooming, Colosimo created a deep-seated dependency in Matthew on Colosimo for affection.

24. In addition to creating an emotional dependency on him in the boy, Colosimo also began working to normalize inappropriate sexual comments and behavior. When Matthew was approximately four years old, Colosimo walked by the family bathroom where the young boy was sitting on the toilet, and commented to Matthew “you look so cute.”

25. Matthew’s family admired and trusted Colosimo completely, and began allowing him to take Matthew on outings when the boy was as young as 4 or 5, viewing it as an honor that the priest was showering such attention on their son. These outings began with a summer lunch on the rectory patio at St. Peter’s. By this time, Matthew, like his family, had complete faith in Colosimo, viewing him as the family’s personal priest providing them a direct line of contact with god. No one questioned Colosimo being alone with Matthew, and throughout the abuse Colosimo would hear Matthew’s confession in the boy’s bedroom. Matthew, himself, so admired Colosimo that at a very young age he began considering the priesthood, and would perform “mass” for his stuffed animals, using cookies and milk or soda in place of the bread and wine normally used in such a service. So strong was Matthew’s admiration for the priesthood that years later he would begin down the path to becoming a priest, going so far as to complete the first year of seminary training.

26. After over a decade of the Diocese enabling his predatory conduct, Colosimo was so emboldened that he openly took Matthew with him to many public places, including this first visit to the rectory where Colosimo introduced the boy to various staff who were soon greeting the boy by name. Parish staff then served Colosimo and Matthew lunch on the rectory patio

above the garage. After lunch, Colosimo brazenly took Matthew to his living quarters in the rectory where he easily induced the little boy to lower his pants while sitting on the edge of Colosimo's bed. With the boy fully exposed from the waist down, Colosimo told the boy to lay back, sat down on the bed, and began to fondle Matthew with one hand while masturbating with the other, all while making sexual comments about the 4 or 5-year-old boy being "cute." Matthew was confused by what was happening, but did not question the actions of this authority figure that both he and his family revered. To the contrary, Colosimo's grooming of the boy was so complete, and the emotional dependency he had created was so strong, that the boy dissociated during the abuse, put it out of his mind and focused only on the positives Colosimo brought to his life.

27. The assault in Colosimo's living quarters began a continuous period of abuse that did not end until Matthew was 15. There appeared to be no limits to where Colosimo would take the little boy and sexually abuse him. At least initially, Colosimo often abused Matthew in the context of "fun" outings such as to the zoo, museum, movies, Friendly's ice cream, Pizza Hut, and the Riverside and Sangertown malls, where he frequently bought Matthew toys and other gifts so that the boy began to associate abuse with a reward from Colosimo for submitting to the abuse. As the abuse grew worse, the gifts became more expensive and extravagant. Colosimo also abused the boy in locations such as parking lots and behind old warehouses, and took the boy to a Utica bookstore that primarily sold pornographic magazines, showing the child pornography.

28. During his time at St. Peter's, Colosimo also mentored then-deacon and future priest of the Diocese, Robert Ours. Ours also abused Matthew while at St. Peter's. Years later, in 2014, Ours would plead guilty to possession of child pornography.

29. Colosimo also gradually increased the abuse while assigned to St. Peter's, from the fondling in the first instance, to making sexual comments ("you have a cute little ass, come over here and let me grab it"), to exposing himself and inducing the little boy to touch him, to orally copulating the child and inducing the child to orally copulate him. He also encouraged Matthew to touch himself. Much of this abuse occurred in Colosimo's living quarters in the rectory, but there were also instances of abuse at other locations such as in his car. Colosimo also pushed the boundaries further with Matthew's family, convincing them to allow him to take the boy on overnight visits to Colosimo's mother's house in Utica, where the abuse continued. However, the most egregious abuse began in 1981, the year the Diocese assigned Colosimo his own parish in Holland Patent. Transferring predator priests to rural and remote locations, such as Holland Patent, has long been standard procedure for Roman Catholic Church entities around the country.

The Diocese Provides Fr. Colosimo With an Assignment Ideal for Predation, Transferring Colosimo to St. Leo's in Holland Patent in 1981 Where, as the Only Priest in Residence, He Continued his Abuse of Matthew and Began His Abuse of Victim #4

30. More than a decade after agents of the Diocese learned Colosimo was sexually abusing children, the Diocese promoted Colosimo, transferring him from St. Peter's to his own parish, St. Leo's in Holland Patent in 1981. St. Leo's was directly across the street from an elementary school full of children the ages of Colosimo's preferred victims. With the greater independence of his new assignment – the Diocese allowed Colosimo to live by himself, with only an aging and nearly deaf housekeeper – came greater opportunities for predation, something Colosimo soon exploited to nightmarish extremes, first with Matthew, and later with both Matthew and one of his schoolmates, Victim #4.

31. The first step towards this more horrific abuse was to convince Matthew's parents to allow Colosimo to take the boy to spend the night with him at St. Leo's, purportedly so that Matthew could serve as Colosimo's altar boy. The overnight at St. Leo's would begin with an elaborate meal, prepared and served by the housekeeper while Colosimo and Matthew dined on the screened porch. Colosimo would then take Matthew inside to watch a movie and to sexually abuse the boy. One night Colosimo told Matthew they were going to watch Raiders of the Lost Ark. As they watched, Colosimo gave Matthew altar wine for the first time, and began to make even the very trusting boy uncomfortable by sitting close to Matthew and staring intently at him as if waiting to see the effects of the wine. As Colosimo undoubtedly planned, Matthew began to feel woozy, prompting the priest to suggest the boy go to bed. The intoxicated and nearly helpless boy stumbled upstairs, and recalls later seeing Colosimo's naked body behind or in front of him at various times. He also recalls Colosimo forcing the boy to perform oral sex, and then recalls being on his back on the bed and seeing Colosimo's hairy chest over him at various times, while being on his stomach at other times, feeling pain in his rectum and wanting it to stop, crying, hearing Colosimo moaning, and feeling as if he was outside his body. Sometimes after the abuse they would shower together, or Colosimo would tell Matthew to go shower.

32. When Matthew was approximately eight years old Colosimo introduced a fourth victim, Victim #4, into the trips to St. Leo's. Victim #4's family were also parishioners at St. Peter's, and Matthew had known Victim #4 since kindergarten. Colosimo gradually introduced Victim #4 into the abuse, first taking the boys together to movies, but eventually taking both boys on overnight trips to St. Leo's. Most of the overnights were during summer weekdays, presumably because there were too many people at the parish on weekends. With the two elementary school-aged boys to himself, Colosimo not only sexually abused them, but induced

them to engage in sexual acts with each other, sometimes filming or photographing the boys as they did so. Colosimo had hundreds of videotapes in his living quarters at St. Leo's and, later, at St. Anthony's. The suicide of Victim #4 as an adult will prevent him from testifying in this matter. However, years later, as an adult, Matthew provided an investigator for the Diocese with a video taken by Colosimo of the shirtless boys in bed together at St. Leo's. That investigator assured Matthew he would provide Bishop Robert Cunningham with the video.

33. While Colosimo's abuse of Matthew at St. Leo's was the most horrific, the church was not the only location of abuse while Colosimo was in residence. Colosimo constantly seized opportunities to abuse Matthew at other locations. Colosimo took the boy to Old Forge Lake and abused Matthew in his car, in the parking lot of a gas station, in an open public shower, and ultimately raped the boy at a nearby hotel. Sometimes on the drive to St. Leo's, Colosimo would stop at the Marcy public swimming pool and sexually abuse Matthew in his car in the parking lot. He also abused Matthew at Marcy Elementary School when school was out for the summer. Another time Colosimo took Matthew to Camp Nazareth where he fondled the boy and forced him to perform oral sex on the priest in an empty cottage. On more than one occasion Colosimo drove Matthew to a shrine called Our Lady of the Martyrs and orally copulated the boy, then induced the boy to orally copulate him, in the woods and another time in a vacant dormitory. Griffiss Air Force Base and Fort Stanwix were other locations of abuse, as was Colosimo's car on trips to Corning Museum of Glass in Corning, NY, the Baseball Hall of Fame in Cooperstown, NY, Holy Trinity Monastery (where Colosimo abused the boy in the monks' residence) in Jordanville, NY, and various trips to services for weddings and wakes around New York. Colosimo also took the boy with him on trips out of state and sexually abused him in Connecticut, Massachusetts, New Jersey and Pennsylvania. The abuse in Pennsylvania occurred

near a church where Colosimo introduced Matthew to the priest in residence as his nephew or godson, then took the boy to a nearby motel, sexually assaulted him, and warned the boy he had committed grave sins and should not tell his parents. The abuse in Connecticut was at a lodge, and was particularly violent as Colosimo forced the boy facedown onto the bed, slapped him, and choked the boy to the point he could barely breathe. Afterwards, Colosimo also threatened Matthew, telling the boy he had committed very serious sins, and that Matthew could never tell his (Matthew's) mother what was happening, threatening to harm the boy if he did so. Colosimo also abused Matthew at a priests' conference in New York, where many priests observed but did not question why Colosimo was accompanied by such a young child. At another meeting of priests in Syracuse, Matthew commented that he was the only child with a priest, only to have Colosimo disagree with his comment and state that many of the priests had special male "friends" and young male "assistants" like Matthew. In fact, Colosimo was so brazen that he sometimes introduced Matthew to members of the church hierarchy. For instance, Bishop Frank Harrison officiated Confirmation at St. Peter's in the late 1980s, and Colosimo sometimes returned to St. Peter's (from St. Leo's and St. Anthony's) to serve at these ceremonies. At one such service Colosimo introduced Matthew to Bishop Harrison, identifying Matthew as his assistant. Similarly, Colosimo introduced Matthew as his assistant to Bishop Joseph O'Keefe at his installation as bishop at the cathedral on June 16, 1987, and did so again at a dinner he hosted for the bishop and several priests at St. Anthony's rectory in 1990. Colosimo also introduced Matthew as his assistant to Bishop Thomas Costello on several occasions.

34. Colosimo flaunted his exploitation of the boy locally as well. Beginning when Matthew was about 7, and continuing annually until he was about age 14, Colosimo would pick Matthew up every Holy Thursday night (the night before Good Friday) and take the boy on a

tour of local Roman Catholic Churches that had decorated their altars and were celebrating the event late into the night. Numerous agents of the Diocese observed Colosimo and the young boy together. At one such church, St. Stanislaus, on the first such Holy Thursday, the young boy and the priest heard a group of priests playing cards in the basement, and went downstairs to observe. From that point forward, each following year he took Matthew into the basement on the pretext that they were looking for the card-playing priests. In reality, he used this pretense to isolate and sexually abuse the boy, orally copulating Matthew and inducing Matthew to reciprocate.

The Diocese Transfers Colosimo to St. Anthony of Padua in Utica in 1987, Where He Continues Abusing Matthew and Abuses Countless Other Children

35. Colosimo's abuse of Matthew continued but appeared to wane and eventually stopped during his assignment at St. Anthony's as Matthew grew older and larger, which is where it ended abruptly without any explanation. Sometime in approximately 1991, Colosimo ended nearly twelve years of abuse that began before Matthew entered kindergarten, and did not conclude until he was a sophomore in high school. During that time everyone was aware of the "special" relationship Colosimo had with Matthew as Colosimo had the boy accompany him everywhere around the Diocese and New York State, taking the boy to dinners, movies, and on overnight trips almost as if he was the priest's boyfriend. Colosimo was so obsessed with the boy's appearance that towards the end of the period of abuse he arranged for a plastic surgeon to remove three moles from Matthew's face, telling Matthew they made him look unattractive. Colosimo even attended the procedure. When Colosimo was transferred to St. Leo's, people would often ask Matthew how the priest was doing. Colosimo was so open and obvious in his grooming and predation that Matthew's classmates would tease the boy and ask if he was being sexually abused by the priest. They also teased Matthew about Colosimo's relationship with the boy, and rumors that Colosimo was a homosexual. However, the countless adults who saw the

same conduct by Colosimo that prompted such comments by children did nothing to intervene or stop the abuse. Most important, the Diocese, whose agents not only knew of but facilitated Colosimo's abuse of other young children, never reported him to law enforcement, and instead concealed his crimes against children while not only allowing the priest to remain in ministry but promoting him to assignment locations that further facilitated his abuse. The Diocese also allowed Colosimo to perform his ministry in ways that gave him even more access to children, such as serving on the Board of Directors at the Good News Foundation, despite knowing the risk he posed. As a direct result of the Diocese's enabling behavior and failure to properly supervise Colosimo, Colosimo turned the boy into his personal sex slave for over a decade, subjecting Matthew – and undoubtedly countless other children such as Victim #s 1, 2 and 4 – to the most horrific of abuses, hundreds of times.

Reports to the Diocese by Colosimo's Victims

36. Beginning in December of 2013, Matthew repeatedly notified the Diocese of Colosimo's and Fr. Robert Ours' criminal conduct, asked if there had been other accusations against Colosimo, asked that parents and parishioners be warned about Colosimo's predatory behavior, asked that Colosimo be removed from the priesthood and not allowed around children, and – notwithstanding that the psychological injuries from the abuse had caused Matthew to become homeless – offered to hitchhike across the country to discuss the allegations in person with Bishop Cunningham and other agents of the Diocese.

37. Despite agents of the Diocese receiving notice of Colosimo's criminal conduct beginning in the 1960s, the only response Matthew received to these questions was when the Diocese's Victim Assistance Coordinator, Jacqueline Bressette, told him he should be content with the outcome of the Diocese's investigation finding his reports of abuse credible, and that

Bishop Robert Cunningham would not comment on whether Colosimo had ever been laicized. This did nothing to assuage Matthew's concerns that Colosimo was abusing other children. In 2015, Matthew notified via email approximately 200 priests and other agents of the Diocese of his abuse by Colosimo. None of them ever responded. Frustrated by the lack of response, Matthew notified the Oneida County District Attorney, but ultimately was told the criminal statute of limitations to charge Colosimo had expired. To this day, the Diocese has never admitted to the extensive history of abuse by Colosimo of which it has been aware for over half a century.

38. Defendant Diocese holds its leaders and agents out as people of high morals, as possessing immense power, teaching families and children to obey these leaders and agents, teaching families and children to respect and revere these leaders and agents, soliciting youth and families to its programs, marketing to youth and families, recruiting youth and families, and holding out the people that work in its programs as safe.

39. As a result, Defendants' leaders and agents have occupied positions of great trust, respect and allegiance among members of the general public, including Plaintiff.

40. By placing Fr. Colosimo in an assignment, Defendant Diocese, through its agents, affirmatively or implicitly represented to minor children, their families, and members of the general public that Fr. Colosimo did not pose a threat to Children.

41. By placing Fr. Colosimo in an assignment, Defendant Diocese, through its agents, affirmatively or implicitly represented to minor children, their families, and members of the general public that Fr. Colosimo did not have a history of molesting children.

42. By placing Fr. Colosimo in an assignment, Defendant Diocese, through its agents, affirmatively or implicitly represented to minor children, their families, and members of the

general public, that Defendant Diocese did not know of Fr. Colosimo's history of sexually abusing children.

43. By placing Fr. Colosimo in an assignment, Defendant Diocese, through its agents, affirmatively or implicitly represented to minor children, their families, and members of the general public that Defendant Diocese did not know that Fr. Colosimo was a danger to children.

44. The Diocese knew or should have known that employing child rapists like Fr. Colosimo and giving them unchecked access to children and the public at large is an extremely risky practice and is likely to expose the public to the threat of criminal activity.

45. Defendant Diocese affirmatively concealed Fr. Colosimo's history of sexual abuse from the public.

46. Defendant Diocese failed to warn the public of the risk posed by Fr. Colosimo's access to children.

47. By placing Fr. Colosimo in a position of trust and authority, the Diocese exposed the public, and Plaintiff in particular, to the risk of becoming a victim of a criminal sexual act.

48. Sexual abuse, by its very nature, is an act that is committed in secret and, as a result, if the public is unaware of the potential that it will encounter a child molester, the public cannot take steps to protect itself from potential criminal activity.

49. By keeping Fr. Colosimo in a position of trust and authority (with ready access to children), the Diocese introduced the threat of criminal conduct into the public sphere.

50. In so doing, the Diocese created the opportunity and forum for Fr. Colosimo to commit criminal acts against members of the public including Plaintiff, thus impairing the public health, welfare, and safety.

51. The public has an inherent right to be free from activities that pose a risk to health, welfare, and safety.

52. Parents have an inherent and statutory right to protect their children from harm and to have access to information that would allow them to do so.

53. The Diocese has a duty to refrain from taking actions that it knows or should know would expose the public to impairment of its health, welfare, and safety, including introducing the threat of criminal activity into the public sphere.

54. Despite this duty, the Diocese has, for decades, adopted a policy and practice of secrecy, covering up criminal activity committed by clerics and religious within the Diocese. This practice continues to the present day and encompasses all times relevant to the instant complaint.

55. The failure to disclose the identities, histories, and information about sexually abusive clerics is unreasonable and knowingly or recklessly creates or maintains a condition which endangers the health, safety, and welfare of a considerable number of members of the public, including Plaintiff.

56. On December 3, 2018, Defendant Diocese publicly admitted that it knew of 57 priests who worked in the Diocese that had been accused of sexual misconduct with minors. 38 of these priests are deceased. On May 12, 2019, the Diocese updated the total number from 57 to 61. A 62nd perpetrator, Fr. Wilhelm Golli, was identified in a lawsuit filed on August 14, 2019.

57. Defendant Diocese continues to conceal important information about the priests on that list and the names and information about accused priests, not on the list, thus continuing to expose an unknowing public to the threat of criminal activity.

58. As a result, children are at risk of being sexually molested. Further, the public is placed under the mistaken belief that Defendant Diocese does not have undisclosed knowledge of clerics who present a danger to children.

59. Upon information and belief, prior to and since December 2018, Defendant Diocese failed to report multiple allegations of sexual abuse of children by its agents to the proper civil authorities. As a result, children in the local community are at risk of being sexually molested.

COUNT I: NUISANCE (COMMON LAW AND N.Y. PENAL LAW 240.45)

60. Plaintiff incorporates all paragraphs of the Complaint as if fully set forth herein.

61. The Defendants' actions and omissions, as described above, have interrupted or interfered with the health, safety, and welfare of the general public. Pursuant to Correction Law Article 6-C, the Sex Offender Registration Act, the public has the right to know sex offenders' name, all aliases used, date of birth, sex, race, height, weight, eye color, driver's license number, home address and/or expected place of domicile, any internet accounts with internet access providers belonging to such offender and internet identifiers that such offender uses, so that the public can identify such men and take protective measures on behalf of their children. In furtherance of that right New York Soc. Services. §§ 411-428 mandate reporting to child protective services any suspected childhood sexual abuse. The public also has a compelling interest in knowing if a prominent and powerful institution has cloaked in secrecy decades of sexual abuse. In re The Clergy Cases I, 188 Cal.App.4th 1224, 1236 (2010) ("all citizens have a compelling interest in knowing if a prominent and powerful institution has cloaked in secrecy decades of sexual abuse"). The negligence and/or deception and concealment by Defendants interferes with and causes harm to these rights that are common to the public by preventing

Defendants' predatory agents from being criminally prosecuted, thereby obstructing the public's right to identify such men as registered sex offenders. Defendants' secretive conduct also interferes with and causes harm to the public's right to know Defendants have concealed decades of sexual abuse by Roman Catholic church leaders

62. Defendants have created and exposed the public to these unsafe conditions continuously and on an ongoing basis since at least the time that Fr. Colosimo first abused Victim #1, and has continued to expose the public to that unabated threat until the present day.

63. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered special and individualized harms separate and distinct from the harms suffered by the public at large. The negligence and/or deception and concealment by Defendants was specially injurious to Plaintiff's health as he and his family were unaware of the danger posed to children left unsupervised with agents of Defendants, and as a result of this deception, Plaintiff was placed in the custody and control of Fr. Colosimo and Fr. Robert Ours, agents of Defendants, who subsequently sexually assaulted Plaintiff. The special injuries to Plaintiff are the sexual assaults by Fr. Colosimo and Fr. Ours that were caused and enabled by the deception and concealment by Defendants of sexual abuse by church leaders.

64. The harm suffered by the Plaintiff is the exact type of harm that one would expect to result from the Defendants' acts and omissions.

65. Defendants continue to conspire and engage and/or have conspired and engaged in efforts to: 1) conceal from the general public the sexual assaults committed by, the identities of, and the pedophilic/ephebophilic tendencies of Fr. Colosimo and the Diocese's other accused agents; and/or 2) attack the credibility of victims of the Diocese's agents; and/or 3) protect Fr. Colosimo and Defendants' other pedophilic/ephebophilic current and former agents from

criminal prosecution and registration as sex offenders by concealing their crimes from law enforcement and other civil authorities; and/or 4) protect the Diocese's agents from criminal prosecution and registration as sex offenders by receiving reports or notice of misconduct by men such as Fr. Colosimo, but then transferring them to new assignments in unsuspecting communities without informing church members of the threat posed by such men; and/or 5) allow agents who the Diocese knows pose a threat to children to live freely in the community without informing the public.

66. The net result of the aforementioned activities is that Defendants have introduced the threat of criminal activity into the public sphere, disrupted and interfered with the public's statutory right to know the identities of sex offenders, and have thereby impaired the public's health, safety, and welfare. Children cannot be left unsupervised in any location where Defendants' agents are present as the general public cannot trust Defendants to prohibit their pedophilic agents from supervising, caring for, or having any contact with children, nor to warn parents of the presence of the pedophilic agents of Defendants, nor to identify their pedophilic agents, nor to identify and/or report to law enforcement their agents accused of childhood sexual abuse. Defendants' policy of secrecy with regards to their agents accused of childhood sexual abuse has prevented the criminal prosecution of such men, thus depriving the public of and causing harm to the public's right to identify and protect their children from sex offenders. That policy of secrecy also deprives the public of and causes harm to the right to identify Roman Catholic institutions that have cloaked in secrecy childhood sexual abuse by their agents.

67. The conduct of Defendants was specially injurious to Plaintiff's health, safety and welfare as Plaintiff was sexually assaulted by Defendants' agent, Fr. Colosimo.

68. The conduct of Defendants was further specially injurious to Plaintiff's health, safety and welfare in that when Plaintiff discovered Defendants' conduct, Plaintiff experienced mental, emotional and/or physical distress that he had been the victim of Defendants' conduct.

69. Plaintiff has suffered and/or continues to suffer special, particular, and peculiar psychological and emotional harm and/or peculiar pecuniary harm, different in kind from the general public, after learning of Defendants' conduct.

70. Plaintiff's injuries are also particular to him and different from certain members of the public who have not been harmed by the nuisance. People who have not been harmed by the nuisance include those who have not suffered any injury at all, those who are unaware of the nuisance, those who do not believe that the conduct of Defendant Diocese ever occurred, and those who think that any such conduct only occurred decades ago.

71. The continuing public nuisance created by Defendants was, and continues to be, the proximate cause of the injuries and damages to the general public as alleged in ¶¶ 61-62, and of Plaintiff's special injuries and damages as alleged in ¶ 63. Defendants repeatedly failed to report Fr. Colosimo to law enforcement despite learning of multiple instances of reportable abuse. As recently as early 2015 agents of Defendants learned of or already knew of but failed to report information about Fr. Colosimo and/or their other pedophilic/ephebophilic former and current agents to law enforcement.

72. In doing the aforementioned acts, Defendants acted negligently and recklessly and/or intentionally, maliciously and with conscious disregard for Plaintiff's rights.

73. Only Defendants know how many other of their predatory agents are, like Fr. Colosimo was until his death in 2017, roaming free in society as never convicted, unregistered, and unidentifiable sex offenders.

74. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer special injury in that he suffers great pain of mind and body, shock, emotional distress, physical injuries, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling. As a proximate result of these injuries, Plaintiff has suffered general and special damages in an amount in excess of the jurisdictional minimum of this Court.

75. As a further result of the above-described conduct by Defendants, Plaintiff further requests injunctive relief prohibiting Defendants from, among other things: allowing their pedophilic/ephebophilic agents to have any unsupervised contact with children; transferring their pedophilic/ephebophilic agents to communities whose citizens are unaware of the risk to children posed by said agents; failing/refusing to disclose to and/or concealing from the general public and/or law enforcement when Defendants have transferred a pedophilic/ephebophilic agent into their midst; failing/refusing to disclose to and/or concealing from law enforcement and/or the general public and/or potential employers the identities and the criminal acts of their pedophilic/ephebophilic agents; failing/refusing to disclose to and/or concealing from the public and/or law enforcement and/or potential employers reports, complaints, accusations or allegations of acts of childhood sexual abuse committed by Defendants' current or former agents. Defendants should be ordered to stop failing/refusing to disclose to and/or concealing and instead should identify each and every one of their current and former agents who have been

accused of childhood sexual abuse, the dates of the accusation(s), the date(s) of the alleged abuse, the location(s) of the alleged abuse, and the accused agents' assignment histories.

COUNT 2: NEGLIGENCE

76. Plaintiff incorporates all paragraphs of the Complaint as if fully set forth herein.

77. While Plaintiff was a member of or altar serving or working at Defendant Churches, Fr. Colosimo engaged in unpermitted, harmful and offensive sexual conduct and contact with Plaintiff. Said conduct was undertaken after Defendants learned of the risk he posed to children, while Fr. Colosimo was an employee, volunteer, representative, or agent of Defendants, and while in the course and scope of employment with Defendants, and/or was ratified by the actions of Defendants. Defendants' conduct was wanton and reckless and/or evidenced a conscious disregard for the rights and safety of Plaintiff and other children.

78. Prior to or during the abuse alleged above, Defendants knew, had reason to know, or were otherwise on notice of unlawful sexual conduct by Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents. Defendants failed to take reasonable steps and failed to implement reasonable safeguards to avoid acts of unlawful sexual conduct in the future by Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents, including, but not limited to, preventing or avoiding placement of Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents in functions or environments in which contact with children was an inherent part of those functions or environments. Furthermore, at no time during the periods of time alleged did Defendants have in place a system or procedure to supervise and/or monitor employees, volunteers, representatives, or agents to insure that they did not molest or abuse minors in Defendants' care, including Plaintiff.

79. Defendants had a duty to protect the minor Plaintiff when he was entrusted to their care by Plaintiff's parents. Plaintiff's care, welfare, and/or physical custody was temporarily entrusted to the Defendants. The Defendants voluntarily accepted the entrusted care of Plaintiff. As such, the Defendants owed Plaintiff, a minor child, a special duty of care, in addition to a duty of ordinary care, and owed Plaintiff the higher duty of care that adults dealing with children owe to protect them from harm.

80. Defendants, by and through their agents, servants and employees, knew or reasonably should have known of Fr. Colosimo's and Defendants' other pedophilic and/or ephebophilic agents' dangerous and exploitive propensities and that they were unfit agents. It was foreseeable that if the Defendants did not adequately exercise or provide the duty of care owed to children in their care, including but not limited to Plaintiff, the children entrusted to the Defendants' care would be vulnerable to sexual abuse by Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents.

81. Defendants breached their duty of care to the minor Plaintiff by allowing Fr. Colosimo to come into contact with the minor Plaintiff without supervision; by failing to adequately hire, supervise, or retain Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents who they permitted and enabled to have access to Plaintiff; by failing to investigate or otherwise confirm or deny such facts about Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents; by failing to tell or concealing from Plaintiff, Plaintiff's parents, guardians, or law enforcement officials that Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents, were or may have been sexually abusing minors; by failing to tell or concealing from Plaintiff's parents, guardians, or law enforcement officials that Plaintiff was or may have been sexually abused after Defendants knew or had reason to know

that Fr. Colosimo may have sexually abused Plaintiff, thereby enabling Plaintiff to continue to be endangered and sexually abused, and/or creating the circumstance where Plaintiff was less likely to receive medical/mental health care and treatment, thus exacerbating the harm done to Plaintiff, and/or, in the case of Defendants, by holding out Fr. Colosimo to the Plaintiff and his parents or guardians as being in good standing and trustworthy. Defendants further cloaked within the facade of normalcy Fr. Colosimo's and Defendants' other pedophilic and/or ephebophilic agents' contact and/or actions with the Plaintiff and/or with other minors who were victims of Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents, and/or disguised the nature of the sexual abuse and contact. Finally, Defendants, through their conduct during and after the period of abuse, ratified Fr. Colosimo's sexual abuse of Plaintiff. Defendants' ratification of Fr. Colosimo's criminal conduct included repeatedly not disciplining or terminating them for their sexual misconduct towards minors.

82. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical injuries, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling.

COUNT 3: NEGLIGENT SUPERVISION/FAILURE TO WARN

83. Plaintiff incorporates all paragraphs of the Complaint as if fully set forth herein.

84. Defendants had a duty to provide reasonable supervision of Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents, and to use reasonable care in investigating Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents. Defendants' also had a duty and to provide adequate warning to Plaintiff, Plaintiff's family, and Defendants' minor church members, of Fr. Colosimo's and Defendants' other pedophilic and/or ephebophilic agents' dangerous propensities and unfitness, particularly after the misconduct by Fr. Colosimo they observed and/or were placed on notice of before Fr. Colosimo abused Plaintiff.

85. Additionally, because Defendants knew or should have known of the heightened risk Fr. Colosimo, Fr. Ours, and Defendants' other pedophilic and/or ephebophilic agents posed to all children, Defendants had a heightened duty to provide reasonable supervision and protection to children with whom Defendants allowed Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents to have contact and/or custody and control.

86. Defendants, by and through their agents, servants and employees, knew or reasonably should have known of Fr. Colosimo's and Defendants' other pedophilic and/or ephebophilic agents' dangerous and exploitive propensities and that they were unfit agents. Each of the Defendants was in a special relationship with Fr. Colosimo and Fr. Ours as they each allowed Fr. Colosimo and Fr. Ours to have access to children after being put on notice of the sexual abuse risk they posed to children, especially to children such as Plaintiff who were likely to come into close contact with Fr. Colosimo and/or Fr. Ours as an altar boy and/or as a guest and/or invitee on Defendants' properties.

87. Despite this history and knowledge of Fr. Colosimo's and Fr. Ours' propensities, no Defendant ever warned anyone that he posed a risk to children. Each Defendant also

employed Fr. Ours and Fr. Colosimo in positions of trust, allowed them to work with children, or allowed them access to children on their property, and knew that after leaving their property they would continue to hold such positions and work with children such as Plaintiff.

88. Defendants also knew that if they failed to provide children who had contact with Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents sufficient supervision and protection, those children would be vulnerable to sexual assaults by Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents. Despite such knowledge, Defendants negligently failed to supervise Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents in the position of trust and authority as Roman Catholic priests, deacons, religious brothers, nuns, religious instructors, youth group leaders, counselors, school administrators, school teachers, surrogate parents, spiritual mentors, emotional mentors, and/or other authority figures, where Fr. Colosimo and Fr. Ours were able to commit the wrongful acts against Plaintiff.

89. Defendants failed to use reasonable care in investigating Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents. Defendants failed to provide adequate warning to Plaintiff and Plaintiff's family of Fr. Colosimo's and Defendants' other pedophilic and/or ephebophilic agents' dangerous propensities and unfitness. Defendants also had a duty to disclose negative information regarding Fr. Colosimo where they made an affirmative representation, regarding Fr. Colosimo's fitness for employment, in positions that included working with children. Each of these failures by Defendants created a foreseeable and substantial risk of significant harm to a child such as Plaintiff who was likely to come into close contact with Fr. Colosimo and Fr. Ours as an altar boy, church member, student, and/or counselee.

90. Defendants further failed to provide Plaintiff with adequate supervision and protection, and failed to take reasonable measures to prevent future sexual abuse.

91. Finally, Defendants, through their conduct during and after the period of abuse, ratified Fr. Colosimo's sexual abuse of Plaintiff. Defendants' ratification of Fr. Colosimo's criminal conduct included repeatedly not disciplining or terminating him for his sexual misconduct towards minors.

92. Defendants' conduct alleged herein, and the implementation of Defendants' policy of secrecy in particular, illustrates wanton and reckless conduct and/or a conscious disregard for the rights and safety of Plaintiff and other children.

93. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical injuries, physical injuries, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling. As a proximate result of these injuries, Plaintiff has suffered general and special damages in an amount in excess of the jurisdictional minimum of this Court.

COUNT 4: NEGLIGENT HIRING/RETENTION

94. Plaintiff incorporates all paragraphs of the Complaint as if fully set forth herein.

95. Defendants had a duty not to hire and/or retain Fr. Colosimo, Fr. Ours, and Defendants' other pedophilic and/or ephebophilic agents given their dangerous and exploitive propensities.

96. Defendants, by and through their agents, servants and employees, knew or reasonably should have known of Fr. Colosimo's, Fr. Ours', and Defendants' other pedophilic and/or ephebophilic agents' dangerous and exploitive propensities and/or that they were unfit agents. Despite such knowledge, Defendants negligently hired and/or retained Fr. Colosimo, Fr. Ours, and Defendants' other pedophilic and/or ephebophilic agents in the position of trust and authority as Roman Catholic priests, deacons, religious brothers, nuns, religious instructors, counselors, school administrators, school teachers, surrogate parents, spiritual mentors, emotional mentors, and/or other authority figures or employees, where they were able to commit the wrongful acts against Plaintiff. Defendants failed to use reasonable care in investigating Fr. Colosimo, Fr. Ours, and Defendants' other pedophilic and/or ephebophilic agents and failed to provide adequate warning to Plaintiff and Plaintiff's family of Fr. Colosimo's, Fr. Ours', and Defendants' other pedophilic and/or ephebophilic agents' dangerous propensities and unfitness. Defendants further failed to take reasonable measures to prevent future sexual abuse. Finally, Defendants, through their conduct during and after the period of abuse, ratified Fr. Colosimo's and Fr. Ours' sexual abuse of Plaintiff. Defendants' ratification of Fr. Colosimo's criminal conduct included repeatedly not disciplining or terminating them for their sexual misconduct towards minors after Defendants received reports of their sexual misconduct.

97. Defendants' conduct alleged herein, and Defendants' implementation of their policy of secrecy in particular, illustrates wanton and reckless conduct and/or a conscious disregard for the rights and safety of Plaintiff and other children.

98. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical injuries, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling. As a proximate result of these injuries, Plaintiff has suffered general and special damages in an amount in excess of the jurisdictional minimum of this Court.

COUNT 5: FRAUD

99. Plaintiff incorporates all paragraphs of the Complaint as if fully set forth herein.

100. Defendants knew and/or had reason to know of the sexual misconduct of Fr. Colosimo, Fr. Ours, and Defendants' other pedophilic and/or ephebophilic agents before the last instance of abuse of Plaintiff. Agents of Defendants also had custody and control of Plaintiff immediately before and during the instances of abuse, and owed him the greater degree of care -- including the duty to prevent harm caused by the criminal conduct of third parties -- owed by childcare custodians to any child in their custody and control.

101. Defendants misrepresented, actively concealed and/or failed to disclose information relating to sexual misconduct and the criminal intentions of Fr. Colosimo, Fr. Ours, and Defendants' other pedophilic and/or ephebophilic agents as described herein, and Defendants continue to misrepresent, conceal, and/or fail to disclose information relating to sexual misconduct of Fr. Colosimo, Fr. Ours, and Defendants' other pedophilic and/or ephebophilic agents as described herein. Agents of Defendants learned that Fr. Colosimo and Fr.

Ours were sexually abusing Plaintiff before the last instance of abuse, but concealed that knowledge from Plaintiff and his family.

102. As a direct result of Defendants' fraud, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical injuries, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling. As a proximate result of these injuries, Plaintiff has suffered general and special damages in an amount in excess of the jurisdictional minimum of this Court.

103. In addition, when Plaintiff discovered the fraud of Defendants, and continuing thereafter, Plaintiff experienced recurrences of the above-described injuries. In addition, when Plaintiff finally discovered the fraud of Defendants, and continuing thereafter, Plaintiff experienced extreme and severe mental and emotional distress that Plaintiff had been the victim of Defendants' fraud; that Plaintiff had not been able to help other minors being molested because of the fraud; and that Plaintiff had not been able because of the fraud to receive timely medical treatment needed to deal with the problems Plaintiff had suffered and continues to suffer as a result of the molestations.

**COUNT 6: FIDUCIARY/CONFIDENTIAL RELATIONSHIP FRAUD AND
CONSPIRACY TO COMMIT FRAUD**

104. Plaintiff incorporates all paragraphs of the Complaint as if fully set forth herein.

105. Because of Plaintiff's young age, and because of the status of Fr. Colosimo as an authority figure to Plaintiff, Plaintiff was vulnerable to Fr. Colosimo. Fr. Colosimo sought

Plaintiff out, and was empowered by and accepted Plaintiff's vulnerability. Plaintiff's vulnerability also prevented Plaintiff from effectively protecting himself.

106. By holding Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents out as a qualified Roman Catholic priests, religious brothers, nuns, religious instructors, counselors, school administrators, school teachers, surrogate parents, spiritual mentors, emotional mentors, and/or other authority figures, by allowing Fr. Colosimo to have custody and control of and/or contact with the Plaintiff, and by undertaking the religious and/or secular instruction and/or spiritual and/or emotional counseling and/or medical care of Plaintiff, Defendants entered into a fiduciary and/or confidential relationship with the minor Plaintiff giving rise to a fiduciary duty.

107. Having a fiduciary and/or confidential relationship giving rise to a fiduciary duty, Defendants had the duty to obtain and/or disclose information relating to sexual misconduct of Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents. Defendants breached that duty by failing to disclose their knowledge of the risk to children posed by Fr. Colosimo. Agents of Defendants also had custody and control of Plaintiff immediately before and during the instances of abuse, and owed him the greater degree of care – including the duty to prevent harm caused by the criminal conduct of third parties – owed by childcare custodians to any child in their custody and control.

108. Defendants misrepresented, actively concealed or failed to disclose information relating to sexual misconduct of Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents as described herein, and Defendants continue to misrepresent, conceal, and/or fail to disclose information relating to sexual misconduct of Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents as described herein. Agents of

Defendants learned that Fr. Colosimo were sexually abusing Plaintiff before the last instance of abuse, but concealed that knowledge from Plaintiff and his family.

109. As alleged above, Defendants, in concert with each other and with the intent to conceal and defraud, conspired and came to a meeting of the minds whereby they would misrepresent, conceal or fail to disclose information relating to the sexual misconduct of Fr. Colosimo and/or Defendants' other pedophilic and/or ephebophilic agents.

110. By so concealing, Defendants committed at least one act in furtherance of the conspiracy.

111. As a direct result of Defendants' fraud and conspiracy, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical injuries, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling. As a proximate result of these injuries, Plaintiff has suffered general and special damages in an amount in excess of the jurisdictional minimum of the Court.

112. In addition, when Plaintiff discovered the fraud of Defendants, and continuing thereafter, Plaintiff experienced recurrences of the above-described injuries. In addition, when Plaintiff finally discovered the fraud of Defendants, and continuing thereafter, Plaintiff experienced extreme and severe mental and emotional distress that Plaintiff had been the victim of Defendants' fraud; that Plaintiff had not been able to help other minors being molested

because of the fraud; and that Plaintiff had not been able because of the fraud to receive timely medical treatment needed to deal with the problems Plaintiff had suffered and continues to suffer as a result of the molestations.

**COUNT 7: BREACH OF FIDUCIARY DUTY AND/OR CONFIDENTIAL
RELATIONSHIP**

113. Plaintiff incorporates all paragraphs of the Complaint as if fully set forth herein.

114. Because of Plaintiff's young age, and because of the status of Fr. Colosimo as an authority figure to Plaintiff, Plaintiff was vulnerable to Fr. Colosimo. Fr. Colosimo sought Plaintiff out, and was empowered by and accepted Plaintiff's vulnerability. Plaintiff's vulnerability also prevented Plaintiff from effectively protecting himself.

115. By holding Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents out as a qualified Roman Catholic priests, religious brothers, religious instructors, counselors, school administrators, school teachers, surrogate parents, spiritual mentors, emotional mentors, and/or other authority figures, by allowing Fr. Colosimo to have custody and control of and/or contact with the Plaintiff, and by undertaking the religious and/or secular instruction and/or spiritual and/or emotional counseling and/or medical care of Plaintiff, Defendants entered into a fiduciary and/or confidential relationship with the minor Plaintiff giving rise to a fiduciary duty.

116. Defendants and each of them breached their fiduciary duty to Plaintiff by engaging in the negligent and wrongful conduct described herein, including but not limited to failing to disclose their knowledge of abuse by Fr. Colosimo.

117. As a direct result of Defendants' breach of their fiduciary duty, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical injuries, physical manifestations of emotional distress, embarrassment, loss of self-esteem,

disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling. As a proximate result of these injuries, Plaintiff has suffered general and special damages in an amount in excess of the jurisdictional minimum of this Court.

COUNT 8: INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

118. Plaintiff incorporates all paragraphs of the Complaint as if fully set forth herein.

119. Defendants' conduct was extreme and outrageous and was intentional and/or wanton and reckless with a conscious disregard for the rights and safety of Plaintiff and other children. Defendants knew or should have known Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents were spending time, and would continue to spend time in the future, in the company of and assaulting numerous children, including Plaintiff, around the Counties of Onondaga and Oneida and other locations. Defendants also knew or should have known Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents were high risks to all children as Defendants had received complaints and/or other notice of prior acts of misconduct by Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents. Given their knowledge of prior misconduct by Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents, Defendants knew or should have known that every child exposed to Fr. Colosimo and Defendants' Defendants' other pedophilic and/or ephebophilic agents, including Plaintiff, was substantially certain to be assaulted by Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents. Defendants knew or should have known, and had

the opportunity to learn of, the intentional and malicious conduct of Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents, and thereby ratified and joined in said conduct by failing to terminate, discharge, or at least discipline Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents after learning of their propensities, and/or by failing to warn anyone of Fr. Colosimo's and Defendants' other pedophilic and/or ephebophilic agents propensities, and/or by failing to prevent them from having contact with children. The conduct of Defendants in confirming, concealing and ratifying that conduct was done with knowledge that the emotional and physical distress of Plaintiff and other children exposed to these men would thereby increase, and was done with a wanton and reckless disregard of the consequences to Plaintiff and other children in their custody and control.

120. As a result of Defendants' conduct, Plaintiff experienced and continues to experience severe emotional distress resulting in bodily harm.

121. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical injuries, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling. Plaintiff continues to struggle with intense shame and guilt over the fact he fell victim to Fr. Colosimo. As a proximate result of these injuries, Plaintiff has suffered general and special damages in an amount in excess of the jurisdictional minimum of this Court.

COUNT 9: FRAUD AND DECEIT

122. Plaintiff incorporates all paragraphs of the Complaint as if fully set forth herein.

123. Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents held themselves out to Plaintiff as religious instructors, counselors, surrogate parents, spiritual mentors, emotional mentors, youth group leaders and/or other authority figures. Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents represented to Plaintiff and/or Plaintiff's family that they would counsel and guide Plaintiff with his spiritual and/or emotional needs. These representations were made by Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents with the intent and for the purpose of inducing Plaintiff and Plaintiff's family to entrust the spiritual, emotional and physical well-being of Plaintiff with Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents.

124. Defendants knew and/or had reason to know of the sexual misconduct of Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents before the last instance of abuse of Plaintiff. Agents of Defendants also had custody and control of Plaintiff immediately before and during the instances of abuse, and owed him the greater degree of care – including the duty to prevent harm caused by the criminal conduct of third parties – owed by childcare custodians to any child in their custody and control.

125. Fr. Colosimo and Defendants' other pedophilic and/or ephebophilic agents misrepresented, concealed or failed to disclose information relating to their true intentions to Plaintiff and Plaintiff's family when they entrusted Plaintiff to their care, which was to sexually molest and abuse Plaintiff. Plaintiff justifiably relied upon Fr. Colosimo's and Defendants' other pedophilic and/or ephebophilic agents' representations.

126. Defendants are vicariously liable for the fraud and deceit of Fr. Colosimo and Defendants' other agents as Defendants subsequently ratified Fr. Colosimo's sexual abuse of Plaintiff.

127. As a result of the above-described conduct, Plaintiff has suffered, and continues to suffer great pain of mind and body, shock, emotional distress, physical injuries, physical manifestations of emotional distress, embarrassment, loss of self-esteem, disgrace, humiliation, and loss of enjoyment of life; has suffered and continues to suffer spiritually; was prevented and will continue to be prevented from performing Plaintiff's daily activities and obtaining the full enjoyment of life; has sustained and will continue to sustain loss of earnings and earning capacity; and/or has incurred and will continue to incur expenses for medical and psychological treatment, therapy, and counseling. As a proximate result of these injuries, Plaintiff has suffered general and special damages in an amount in excess of the jurisdictional minimum of this Court.

128. In addition, when Plaintiff finally discovered the fraud of Defendants, and continuing thereafter, Plaintiff experienced recurrences of the above-described injuries. In addition, when Plaintiff finally discovered the fraud of Defendants, and continuing thereafter, Plaintiff experienced extreme and severe mental, physical, and emotional distress that Plaintiff had been the victim of Defendants' fraud; that Plaintiff had not been able to help other minors being molested because of the fraud; and that Plaintiff had not been able because of the fraud to receive timely medical treatment needed to deal with the problems Plaintiff had suffered and continues to suffer as a result of the molestations.

PRAYER FOR RELIEF

Based on the foregoing causes of action, Plaintiff prays judgment against Defendants in an amount that will fully and fairly compensate him for his injuries and damages, and for

punitive damages, in an amount sufficient to deter others and punish Defendants, and for any other relief the Court deems appropriate. The amount of damages sought in this Complaint exceeds the jurisdictional limits of all lower courts which would otherwise have jurisdiction.

In the interest of promoting public safety, Plaintiff requests an order requiring that Defendant Diocese of Syracuse publicly release the names of all agents, including priests, accused of child molestation, each agent's history of abuse, each such agent's pattern of grooming and sexual behavior, and his last known address. This includes the release of Defendants' documents on the agents.

Plaintiff requests an order requiring that Defendant Diocese discontinue its current practice and policy of dealing with allegations of child sexual abuse by its agents secretly, and that it work with civil authorities to create, implement and follow policies for dealing with such molesters that will better protect children and the general public from further harm.

DEMAND IS HEREBY MADE FOR A TRIAL BY JURY.

October 24, 2019

/s/ Daniel Lapinski

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